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IJEOMA ESOMONU

12 Attorneys for Defendant  
13 OMNICARE, INC.

14 UNITED STATES DISTRICT COURT  
15  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 IJEOMA ESOMONU, on behalf of herself, all  
19 others similarly situated,

20 Plaintiff,

21 v.

22 OMNICARE, INC., a Delaware corporation;  
23 and DOES 1-10 inclusive,

24 Defendants.

Case No. 4:15-cv-02003-HSG

**AMENDED STIPULATION AND  
ORDER TO CONTINUE CLASS  
CERTIFICATION HEARING PENDING  
PRIVATE MEDIATION**

Date: January 11, 2018  
Time: 2:00 p.m.  
Judge: Hon. Haywood S. Gilliam, Jr.  
Court: Courtroom 2  
1301 Clay Street  
Oakland, CA 946122

1 Currently pending before this Court is Plaintiff's motion for class certification, which is  
2 scheduled for hearing on January 11, 2018. However, for the reasons set forth below, the Parties  
3 respectfully request the Court continue the hearing date to April 5, 2018 in the interest of  
4 preserving Court and party resources while the Parties participate in full-day mediation with the  
5 Honorable Stephen J. Sundvold (retired), an experienced Mediator in Fair Credit Reporting Act  
6 ("FCRA") putative class actions:

7 1. WHEREAS, on May 4, 2017, the Court referred this case to U.S. Magistrate Judge  
8 Kandis A. Westmore for settlement purposes. (ECF No. 66.)

9 2. WHEREAS, on July 27, 2017, the Parties appeared telephonically before Judge  
10 Westmore for an initial conference call, and during which Judge Westmore scheduled this case  
11 for a settlement conference on September 18, 2017. (ECF No. 72.)

12 3. WHEREAS, due to conflicts in schedules, the settlement conference was vacated.  
13 (ECF No. 73.)

14 4. WHEREAS, the Parties have since met and conferred several times to determine a  
15 new settlement conference date, but have thus far been unable to find a date that is available for  
16 both parties and Judge Westmore.

17 5. WHEREAS, now that the Parties have fully briefed Plaintiff's motion for class  
18 certification (ECF Nos. 74-79), the Parties have a better and more complete understanding of the  
19 other party's position and the risks each side faces proceeding with class certification.

20 6. WHEREAS, the Parties, therefore, believe that it would be fruitful to participate in  
21 a full-day private mediation (as opposed to a half-day settlement conference) at this time, and, to  
22 this end, have scheduled a full-day private mediation in February with the Honorable Stephen J.  
23 Sundvold (retired) at JAMS.

24 7. WHEREAS, Judge Sundvold has considerable experience in resolving FCRA  
25 putative class actions and other employment matters.

26 8. THEREFORE, in the interest of preserving the Court's and each party's resources,  
27 and to maintain the *status quo* pending alternative dispute resolution, the Parties hereby stipulate  
28 and respectfully request the Court continue the hearing on Plaintiff's motion for class certification

1 to April 5, 2018.

2 **IT IS SO STIPULATED.**

3 Dated: January 3, 2018

JACKSON LEWIS P.C.

4  
5 By: /s/ Chad D. Bernard<sup>1</sup>  
6 Chad D. Bernard  
7 Scott P. Jang  
8 Attorneys for Defendant  
9 OMNICARE, INC.

10 Dated: January 3, 2018


SETAREH LAW GROUP

11 By: /s/ Shaun Setareh  
12 Shaun Setareh  
13 Attorneys for Plaintiff  
14 IJEOMA ESOMONU

15 Per the Parties' stipulation, and good cause appearing, the hearing on Plaintiff's motion  
16 for class certification (ECF No. 74) is continued to April 5, 2018. The parties are further  
17 **DIRECTED** that within seven days of the mediation, the parties **SHALL** file a joint status report  
18 of no more than two pages notifying the Court about the results of the mediation.

19 **IT IS SO ORDERED.**

20 Date: 1/3/2018

21   
22 Hon. Haywood S. Gilliam, Jr.  
23 United States District Judge  
24  
25  
26  
27

28 4818-2054-1786, v. 1

<sup>1</sup> Pursuant to Local Rule 5-1(i), the ECF-filing party attests that concurrence in the filing of this document has been obtained from each of the signatories.